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Joe Quint

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EXAMINER

PHAM, HUNG Q

ART UNIT

PAPER NUMBER

2168

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,456	<b>Applicant(s)</b> QUINT, JOE	
	<b>Examiner</b> HUNG Q. PHAM	<b>Art Unit</b> 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

*Claim Objections*

The objection of claims 4 and 11 has been withdrawn in view of the amendment.

*Claim Rejections - 35 USC § 112*

- Applicants' arguments with respect to the rejection of claim 7 under 35 U.S.C. § 112, first paragraph, have been fully considered and are persuasive. The rejection of claim 7 under 35 U.S.C. § 112, first paragraph, has been withdrawn.
- Applicants' arguments with respect to the rejections of claim 8 under 35 U.S.C. § 112, first and second paragraph, have been fully considered. The rejections of claim 8 under 35 U.S.C. § 112, first and second paragraph, have been withdrawn in view of the amendment.

*Claim Rejections - 35 USC § 101*

Applicants' arguments with respect to the rejection of claim 1 under 35 U.S.C. § 101 in view of the amendment have been fully considered but they are not persuasive.

Claim 1 direct to *a computer-readable media* that stores computer-usable instruction. The claimed limitation *computer-readable media* as defined in the specification, paragraph 0022, comprises "computer-storage media" and "communication media". As defined in paragraph 0024, "communication media" store computer-useable instructions in a modulated data signal. A signal encoded with functional descriptive material does not fall within any of the categories of patentable subject matter. Therefore, claim 1 is not statutory (As set forth in § 101, a claimed signal is clearly not a process under § 101 because it is not a series of steps. A claimed signal

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has no physical structure, does not itself perform any useful, concrete and tangible result, and does not fit within the definition of a machine. A claimed signal is not matter, but a form or energy, and therefore is not a composition of matter or product).

In light of the foregoing arguments, the rejection under 35 U.S.C. § 101 is hereby sustained.

Claim Rejections - 35 USC § 102

- Applicants' arguments with respect to the rejection of claims 1-7, 9-15 and 17-18 have been fully considered but they are not persuasive.

As argued by applicants with regards to claims 1 and 9:

*... Strangio does not teach receiving search criteria for one or more cable-label records, wherein said cable-label records were previously stored in a storage component. Strangio discloses that a database may be searched for a corresponding cable type. A cable type is not the same as a cable-label record. A cable type is a physical characteristic of the cable. Furthermore, Strangio does not disclose anything about cable labels being stored in a database. Therefore, Strangio does not teach receiving search criteria for one or more cable-label records, wherein said cable-label records were previously stored in a storage component.*

*... Strangio does not disclose how the label text gets to the printer. Strangio does not disclose a data stream that is delivered to a printer. Therefore, Strangio does not teach providing a data stream that when rendered by the printing device produces cable-label records displaying content of the identified records in a prescribed format.*

...

*With regards to claim 9, Strangio does not teach receiving search criteria for retrieving one or more cable-label records. As with claim 1, Strangio discloses that a database may be searched for a corresponding cable type. A cable type is not the same as a cable-label record. A cable type is a physical characteristic of the cable. Furthermore, Strangio does not disclose anything about cable labels being stored in a database. Therefore, Strangio does not teach receiving search*

*criteria for retrieving one or more cable-label records.*

*Strangio does not teach providing a data stream that when rendered by the printing device produces cable-label records displaying content of the identified record(s) in a prescribed format. As with claim 1, at col. 13, lines 23-26, Strangio discloses that label data is linked to cable information stored in a database. The recall of match data makes available label text. Strangio does not disclose how the label text gets to the printer. Strangio does not disclose a data stream that is delivered to a printer. Therefore, Strangio does not teach providing a data stream that when rendered by the printing device produces cable-label records displaying content of the identified record(s) in a prescribed format.*

Examiner respectfully disagrees.

The claimed limitation *cable-label record* is interpreted as a database record that contains any information relating to a cable, and the information can be used for label printing.

As disclosed by Strangio, a database is created for storing information corresponding to many different cables. The operator may add to the database at any time when new cable types are required (Col. 8, Lines 60-64). The database can be searched for a corresponding cable type. If a match is found, all stored data associated with the match is loaded into a "Match" buffer. The stored data includes the continuity matrix, connector gender and type, a list of devices and applications for which this cable would be used... (Col. 8, Line 66-Col. 9, Line 13). As further disclosed by Strangio, it may be desirable to print a label on an adhesive label (Col. 13, Lines 15-16). Label data is linked with the other cable information that is stored in the database, so that recall of match data will also make available label text associated with the match data (Col. 13, Lines 23-26).

As seen, each cable type in the database that contain continuity matrix, connector gender and type, a list of devices and applications is *a cable record*. The cable record could be used for cable printing. Therefore, the database cable type information as disclosed by Strangio indicates *a cable-label record*, which was previously stored in the database as *a storage component*. Cable

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type could be used as search criteria to search for particular cable type information in the database. In different words, this technique indicates the step of *receiving search criteria for one or more cable-label records, wherein said cable-label records were previously stored in a storage component.*

As shown in FIG. 5M, the process of printing is illustrated, the operator is asked to select a print mode, e.g., Label. After the print mode is selected, the selected information is transmitted to the printer (Col. 12, Lines 55-61). The transmission of the selected information indicates *a data stream that is delivered to a printer.* Therefore, Strangio disclosed the step of *providing a data stream that when rendered by the printing device produces cable-label records displaying content of the identified records in a prescribed format.*

- Applicants' arguments with regards to claims 2-4, 10, 11 and 13 have been fully considered but they are not persuasive. Claims 2-4 are unpatentable for at least those reasons as discussed above.

- Applicants' arguments with regards to claims 5 and 13 have been fully considered but they are not persuasive. As disclosed by Strangio at Col. 10, Lines 45-54, two key words were used for searching a record in a database. The operator AND is implied in this technique to combined two key words. By using the operator AND, a user can *assemble a query form the first and second search parameters.*

- Applicants' arguments with regards to claim 7 have been fully considered but they are not persuasive. As disclosed by Strangio, when match data is loaded from the database, the data may be printed in various formats (Col. 11, Lines 37-39). To print data, the operator is asked for a print mode, and the selected information is transmitted to the printer

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(Col. 12, Lines 53-61). The match data when loaded from the database is collection of information or a file. The match data could be outputted to the printer for printing. Thus, the transmission of the outputted file indicates the claimed limitation *the data stream includes an output file*.

- Applicants' arguments with regards to claim 15 have been fully considered but they are not persuasive.

As argued by applicants:

*With regards to claim 15, Strangio does not teach a user interface operationally coupled to a storage component for receiving a search string to query the storage component for one or more records.*

...

*Strangio does not teach a cable-label records controller that receives the query result and converts the result into a prescribed format whereby the query result can be rendered on a printing device. Strangio discloses that printing of wiring data may take place at almost any time. Strangio further discloses that the appropriate flag is set within the program to specify what is to be printed, and the selected information is transmitted to the printer. Strangio does not disclose a controller that receives query results. The controller is not a program. Nor does Strangio disclose any conversion process in order for printing to occur. Therefore, Strangio does not teach a cable-label records controller that receives the query result and converts the result into a prescribed format whereby the query result can be rendered on a printing device.*

Examiner respectfully disagrees.

As shown in FIG. 3, a function selector window is activated on the display screen that permits the operator to choose from a variety of system functions 216, which include function C for searching, via keyboard (FIG. 3, Col. 7, Lines 40-43). Function C includes a database for storing information corresponding to many different cables. The operator may add to the database at any time when new cable types are required (Col. 8, Lines 60-64). The database can be searched for a corresponding cable type. If a match is found, all stored data associated

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with the match is loaded into a "Match" buffer. The stored data includes the continuity matrix, connector gender and type, a list of devices and applications for which this cable would be used... (Col. 8, Line 66-Col. 9, Line 13).

As seen, each cable type in the database that contain continuity matrix, connector gender and type, a list of devices and applications is *a record*. The technique as discussed indicates *a user interface*, e.g., selector window, *operationally coupled to a storage component*, e.g., a database storing information corresponding to many different cables, *for receiving a search string to query the storage component for one or more records* e.g., cable type is a search string to query the database for particular cable type record.

As further disclosed by Strangio, when match data is loaded from the database, the data may be displayed or printed in various formats. When the operator selects the desired format, this format is stored so that subsequent display operations may correspond to the chosen format (Col. 11, Lines 37-43). To print data, the operator is asked for a print mode, and the selected information is transmitted to the printer (Col. 12, Lines 53-61). This technique performs the claim limitation *a cable-label records controller that receives the query result and converts the result into a prescribed format whereby the query result can be rendered on a printing device*.

- Applicants' arguments with regards to claim 17 have been fully considered but they are not persuasive. Claim 17 is unpatentable for at least those reasons as discussed above.

- Applicants' arguments with regards to claim 18 have been fully considered but they are not persuasive.

As argued by applicants:



*With regards to claim 18, Strangio does not teach generating a cable-label records record in a structured format from the set of data. Strangio discloses that a disk database is made available to an operator to characterize and catalog the many types of cables. The disk database contains the stored continuity matrix, connector types, and other information corresponding to many different cables. However, Strangio does not disclose generating any record in a structured format from the list of information. Strangio only identifies what is located in the disk database. Therefore, Strangio does not teach generating a cable-label records record in a structured format from the set of data.*

Examiner respectfully disagrees.

As disclosed by Strangio, the database can be searched for a corresponding cable type. If a match is found, all stored data associated with the match is loaded into a "Match" buffer. The stored data includes the continuity matrix, connector gender and type, a list of devices and applications for which this cable would be used... (Col. 8, Line 66-Col. 9, Line 13). When match data is loaded from the database, the data may be displayed or printed in various formats. When the operator selects the desired format, this format is stored so that subsequent display operations may correspond to the chosen format (Col. 11, Lines 37-43). As seen, each cable type in the database that contain continuity matrix, connector gender and type, a list of devices and applications is *a record*. The returned records from *the set of data*, e.g., the database, that match the query can be converted to a desired format as *a structured format*. The converted record is considered as *cable-label records record*. In short, the technique as discussed performs the claim limitation *generating a cable-label records record in a structured format from the set of data*.

In light of the foregoing arguments, the 35 U.S.C. § 102 is hereby sustained.

**Claim Rejections - 35 USC § 103**

Applicants' arguments with regards to claims 8 and 16 have been fully considered but they are not persuasive. As disclosed by Strangio, when match data is loaded from the database, the data may be displayed or printed in various formats. When the operator selects the desired format, this format is stored so that subsequent display operations may correspond to the chosen format (Col. 11, Lines 37-43). ASCII file is a conventional text file. This text file is disclosed by Rojas. Strangio strongly suggested that the data can be displayed or printed in various format. Therefore, the combination is operable.

In light of the foregoing arguments, the 35 U.S.C. 103 is hereby sustained.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claim 1 direct to *a computer-readable media* that stores computer-usable instruction. The claimed limitation *computer-readable media* as defined in the specification, paragraph 0022, comprises "computer-storage media" and "communication media". As defined in paragraph 0024, "communication media" store computer-useable instructions in a modulated data signal. A signal encoded with functional descriptive material does not fall within any of the categories of patentable subject matter. Therefore, claim 1 is not statutory (As set forth in § 101, a claimed

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signal is clearly not a process under § 101 because it is not a series of steps. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result, and does not fit within the definition of a machine. A claimed signal is not matter, but a form or energy, and therefore is not a composition of matter or product).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-7, 9-15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Strangio [USP 5,280,251].**

Regarding claim 1, Strangio teaches a computer program for performing *a method of printing cable-label records on a printing device* (Col. 13, Lines 15-29). The method comprising:

*receiving search criteria for one or more cable-label records, wherein said cable-label records were previously stored in a storage component* (Col. 8, Lines 65-67);

*identifying one or more records in said storage component corresponding to the search criteria* (Col. 8, Line 67-Col. 9, Line 1); and

*providing a data stream that when rendered by the printing device produces cable-label records displaying content of the identified records in a prescribed format* (Col. 13, Lines 23-26).

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Regarding claim 9, Strangio teaches *a method of printing cable-label records on a printing device* (Col. 13, Lines 15-29). The method comprising:

*creating one or more cable-label records to be stored in a storage component* (Col. 8, Lines 59-64);

*receiving search criteria for retrieving one or more the cable-label records* (Col. 8, Lines 65-67);

*identifying at least one record in the storage component corresponding to the search criteria* (Col. 8, Line 67 through Col. 9, Line 1); and

*providing a data stream that when rendered by the printing device produces cable-label records displaying content of the identified record(s) in a prescribed format* (Col. 13, Lines 23-29).

Regarding claim 15, Strangio teaches *a system for printing cable-label records on a printing device* (Col. 13, Lines 15-29). The system comprising:

*a user interface operationally coupled to a storage component for receiving a search string to query the storage component for one or more records* (Col. 13, Lines 8-9); and

*a cable-label records controller that receives the query result and converts the result into a prescribed format whereby the query result can be rendered on a printing device* (Col. 12, Lines 53-54 and 58-61).

Regarding claim 18, Strangio teaches *a method of creating cable-label records*, comprising:

*storing a set of data related to a cable in one or more computer-readable media* (Col. 8, Lines 59-63);

*generating a cable-label records record in a structured format from the set of data* (Col. 8, Lines 59-63); and

*storing the cable-label records record in one or more computer-readable media for subsequent recall* (Col. 8, Lines 59-63, Col. 8, Line 66 through Col. 9, Line 6).

Regarding claim 2, Strangio teaches all the claim subject matters as discussed above with respect to claim 1, Strangio further discloses *a first search parameter* (Col. 10, Lines 46-54,

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where "first parameter" is read on "connector types"); *and a second search parameter* (Col. 10, Lines 46-54, where "second parameter" is read on "electrical standard").

Regarding claims 3 and 10, Strangio teaches all the claim subject matters as discussed above with respect to claims 2 and 9, Strangio further discloses *the cable-label records include content that is to be printed on the cable-label records* (Col. 13, Lines 23-26).

Regarding claims 4 and 11, Strangio teaches all the claim subject matters as discussed above with respect to claims 3 and 9, Strangio further discloses *said content includes a plurality of identifiers indicating one of: a cable type, a number of runs, a racks description, racks location information, an equipment description, an equipment designation, a termination type and/or a textual note notes* (Col. 8, Lines 66-67).

Regarding claim 12, Strangio teaches all the claim subject matters as discussed above with respect to claim 11, Strangio further discloses *a first search parameter* (Col. 10, Lines 46-54, where "first parameter" is read on "connector types"); *and a second search parameter* (Col. 10, Lines 46-54, where "second parameter" is read on "electrical standard").

Regarding claims 5 and 13, Strangio teaches all the claim subject matters as discussed above with respect to claims 3 and 12, Strangio further discloses the step of *assembling a query from the first and second search parameters* (Col. 10, Lines 46-54).

Regarding claims 6 and 14, Strangio teaches all the claim subject matters as discussed above with respect to claims 5 and 13, Strangio further discloses the step of *searching the storage*

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*component against the assembled query for records matching the search criteria and returning the matching records* (Col. 8, Lines 66-67).

Regarding claim 7, Strangio teaches all the claim subject matters as discussed above with respect to claim 5, Strangio further discloses *the data stream includes an output file* (Col. 12, Lines 60-61).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strangio [USP 5,280,251] as applied to claims 1 and 15 above, and further in view of Rojas et al. [USP 6,721,414].**

Regarding claims 8 and 16, Strangio teaches all the claim subject matters as discussed above with respect to claims 1 and 15, the missing of Strangio is the claimed limitation *the prescribed format includes at least one selection from the following: a binary file; an ASCII file; and a text file, including a delimiter*. Rojas teaches the prescribed format includes at least one selection from an ASCII file (Rojas, Col. 9, Lines 58-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Strangio by Rojas, because adding the capability to convert cable information into a text file provides a means of transferring information out of the database of cable information.

Regarding claim 17, Strangio and Rojas, in combination, teach all of the claimed subject matter as discussed above with respect to claim 16, Strangio further discloses *the query result comprises all cable-label records that match the search criteria* (Col. 8, Line 67 through Col. 9, Line 1).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HUNG Q. PHAM** whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **TIM T. VO** can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you



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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HUNG Q PHAM

Examiner

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August 11, 2006



TIM VO

SUPERVISORY PATENT EXAMINER

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